

Before a holographic will can be probated, the personal representative appointed by the will must have three witnesses identify the decedent's handwriting and one witness testify that the will was found among valuable papers or effects, in a safe-deposit box or other place of safekeeping, or in the hands of a person entrusted with its safekeeping. Holographic wills are not recommended for many reasons, including the difficulty of proving them in court.

Nuncupative wills are made orally by a person who is sick or in imminent peril of death and who does not survive the sickness or peril. Such a will must be witnessed by two competent disinterested witnesses during its making. These witnesses must be specifically requested by the will's maker to act as witnesses.

North Carolina's *self-proving will* provision calls for sworn affidavits and notarization of the testator's signature and witnesses' signatures (two or preferably three witnesses) when they sign as witnesses. When the will is later probated, it is not necessary to locate the witnesses. This provision can save time and money in settling the estate.

Storing a Will

After your will is prepared and executed, store the original in a safe place where it can be found by your designated representative. Your original will—the one you signed—must be offered for probate at your death. It should *not* be stored in a desk drawer or other storage place around the home. It could be stolen or destroyed by an heir who would receive more under North Carolina law of intestacy than under the will. Store your will safely in one of these places:

- The depository in the office of the clerk of superior court in your county. If you move to another county or another state, retrieve your will and move it with you.
- A safe-deposit box in a bank or other institution. Your

family may be delayed in retrieving it if the bank is closed or they haven't thought to look there. A safe deposit box is no longer frozen on the death of the person who has access, so the main disadvantage of storing your will there no longer exists.

- An attorney's office. Ask your attorney what will happen to it if he or she should die, quit practice, or move away.
- A bank or trust company named as executor.

In all these circumstances, the will must remain private and not disclosed to anyone until the maker's death.

If you store your will at home, you risk having it lost or inadvertently destroyed. Also, someone who might not be happy with your will may alter, destroy, or conceal it. While doing so is illegal, proving this occurred can be difficult, if not impossible. Keeping your will in a fireproof safe that your executor knows about is one way to avoid these risks.

Regardless of where you choose to store your will, make sure that your executor or attorney knows where it can be found at your death. Always review your will periodically to ensure that it stays current. Keeping a copy of your original will in a secure but accessible place makes it easier to review on a regular basis.

A Will Provides Certainty

A will is a written document that dictates the distribution of your property after your death. By making a will, you can decide who shall receive your property, how much each shall receive, when they shall own it, and, to some degree, what they can do with it. The drafting of a will and other estate plans involves decisions requiring professional skill and judgment. Be sure that you employ professionals with sufficient training, study and experience. Use an attorney to draft a will suited for your unique situation.

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